

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

THE WALMAN OPTICAL COMPANY,
a Minnesota corporation,

Case No. _____

Plaintiff,

v.

QUEST OPTICAL INC.,
a Florida corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff The Walman Optical Company ("Walman"), for its Complaint against
Defendant Quest Optical Inc. ("Quest"), states and allege as follows:

THE PARTIES

1. Walman is a Minnesota corporation with its principal place of business at
801 12th Avenue North, Minneapolis, MN 55411.

2. Upon information and belief, Quest is a Florida corporation with its
principal place of business at 1101 Holland Drive, Boca Raton, FL 33481.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the
United States, including 35 U.S.C. §§ 271 and 281-285.

4. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1400(b) because Quest is subject to personal jurisdiction in this judicial district and, on information and belief, has committed acts of infringement in this district.

FACTS

6. Walman is an independent ophthalmic company. Walman is the owner, by assignment, of United States Patent No. 6,100,313, entitled “UV-Curable Abrasion-Resistant Coating Composition” (the “’313 patent”). A copy of the ‘313 patent is attached as Exhibit A.

7. Upon information and belief, Quest imports, makes, uses, sells, or offers to sell within the United States a coating composition under the product name “UVMP Maximum Performance” (the “Accused Product”).

COUNT 1 – INFRINGEMENT OF THE ‘313 PATENT

8. The Accused Product infringes one or more claims of the ‘313 patent, including at least claim 1. As a result, Quest has infringed the ‘313 patent by importing, manufacturing, using, selling, or offering to sell the Accused Product in the United States.

9. Upon information and belief, Quest is further infringing the ‘313 patent by actively inducing others to infringe or contributing to the infringement by others in the importing, making, using, selling, or offering for sale of the Accused Product.

10. Quest's infringement of the '313 patent has damaged Walman, and Walman will continue to be damaged in the future and will suffer further irreparable injury, for which Walman has no adequate remedy at law, unless Quest is preliminarily and permanently enjoined from infringing the '313 patent, inducing infringement of the patent, and contributing to the infringement of the patent by others.

11. Upon information and belief, Quest's infringement of the '313 patent has been willful, deliberate, and intentional.

PRAYER FOR RELIEF

WHEREFORE, Walman prays for judgment that:

- A. The '313 patent is valid and infringed by Quest;
- B. Quest and its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them, be enjoined from further infringement of the '313 patent;
- C. Quest and its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them, be enjoined from continuing to import, manufacture, use, sell, or offer to sell the Accused Product;
- D. An accounting be had for the profits and damages arising out of Quest's infringement of the '313 patent;
- E. Walman be awarded compensatory and exemplary damages, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest, but no less than a reasonable royalty;

F. Walman be awarded its attorneys' fees, costs, and expenses in this action pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54;

G. Walman be awarded pre-judgment and post-judgment interest on its damages, as allowed by law; and

H. Walman be awarded such other relief as this Court may deem just, equitable, and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Walman respectfully requests a trial by jury of all issues so triable.

Dated: January 13, 2011

s/ Grant D. Fairbairn

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